

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GERALD B. HABECKER, <i>et al.</i>,	:	CIVIL ACTION NO. 1:07-CV-0196
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
PEERLESS INSURANCE	:	
COMPANY and LIBERTY	:	
MUTUAL INSURANCE COMPANY	:	
	:	
Defendants	:	

ORDER

AND NOW, this 30th day of January, 2008, upon consideration of plaintiff's motion to dismiss defendant's motion for summary judgment (Doc. 16), and it appearing that the Federal Rules of Civil Procedure require a party opposing a motion for summary judgment to come forth with "affirmative evidence, beyond the allegations of the pleadings," in support of its right to relief, Pappas v. City of Lebanon, 331 F. Supp. 2d 311, 315 (M.D. Pa. 2004); FED. R. CIV. P. 56(e), it is hereby ORDERED that:

1. The motion to dismiss (Doc. 16) is DENIED.
2. Plaintiffs shall file, on or before February 4, 2008, a brief in opposition to the motion for summary judgment together with a statement of material facts specifically responding to the numbered paragraphs in defendants' statement of material facts (Doc. 14). See L.R. 56.1.
 - a. The responsive statement of material facts shall include specific references to the parts of the record that support the statements and shall comply in all respects with Local Rule 56.1.

- b. Failure to file a timely responsive statement of material facts in accordance with Local Rule 56.1 will result in the facts set forth in defendants' statement of material facts being deemed admitted. See L.R. 56.1.
3. Defendants shall be permitted to file a brief in reply in accordance with the provisions of Local Rule 7.7.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge